REMARKS

Claims 1, 3-7, 11-20, and 22-28 are currently pending. Claims 11-12 and 18-19 have been amended. Claims 8-10 and 21 have been cancelled.

The Examiner objected to the drawings for failing to include reference numbers 65 and 95. Figs. 6 and 8 have been amended to overcome the objections. The Examiner also objected to the Abstract and the Specification. Both have been amended to overcome the objection.

The Examiner rejected Claims 1 and 3-7 under 35 U.S.C. 103(a) as being unpatentable over Tuttle (U.S. Patent No. 5,497,140) in view of Conwell (U.S. Patent Application No. 2002/0135481).

To establish a *prima facie* case of obviousness, three basic criteria must be met. *M.P.E.P.* § 706.02(j) and 2143.

> First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must be both found in the prior art, not in applicants' disclosure.

Id. "Determination of obviousness can not be based on the hindsight combination of components selectively culled from the prior art to fit the parameters of the patented invention." *ATD Corp. v. Lydall, Inc.*, 159 F. 3d 534, 546 (Fed. Cir. 1998). The initial burden is on the Examiner to provide some suggestion of the desirability of doing what the inventors have done. *M.P.E.P.* § 706.02(j); *see also In re Rougget*, 149 F.3d 1350, 1355 (Fed. Cir. 1998).

Claim 1 defines a trackable postage stamp comprising a first surface and a second surface opposite the first surface and adapted to adhere to a piece of mail. The stamp also includes a passive tracking device including stamp identification (ID) information.

Applicants have included herewith a Declaration under 37 C.F.R. §1.132 of one of the inventors, Binh T. Lu ("Declaration of Binh T. Lu"). The Declaration points out some of the significant differences between active RFID systems and passive RFID systems. These differences make the two systems largely incompatible and inhibit the application of one system where the other system is employed.

Tuttle discloses an electrically powered postage stamp or mailing label that includes a powered RFID device and system. The RFID system includes an IC chip, a RF antenna, and batteries, thus defining an active RFID system and not a passive tracking device as recited in Claim 1. Active RFID systems include their own battery that provides power to the RFIDs integrated circuit. Passive RFID systems do not include a power source, as such they are smaller and less expensive than active RFIDs. *See Declaration of Binh T. Lu at ¶11.* However, because of the limited power available to a passive RFID, they cannot be read from great distances. . *See Declaration of Binh T. Lu at ¶10.* Generally, passive RFIDs require more sophisticated equipment to be read when compared to that required to read an active RFID. *See Declaration of Binh T. Lu at ¶12*

Conwell does not cure the deficiencies of Tuttle. Conwell discloses a tamper resistant label that includes a passive RFID transponder. The RFID transponder is sandwiched between a substrate and an adhesive with a tamper resistant cover. Conwell does not teach or suggest applying passive RFID transponders, or any passive tracking device, to postage stamps or mailing labels. All Conwell teaches is that passive RFID transponders exist.

One reference cited by the Examiner, Tuttle, discloses the use of an active RFID system in a mailing label application, while the other reference, Conwell, discloses the use of passive RFIDs. However, there is no motivation to combine the teachings of Conwell with those of

Tuttle, as each already includes an RFID device. If one did combine the teachings of Tuttle and Conwell, one would not arrive at the invention recited in Claim 1. Tuttle states, "passive RFID packages . . . are generally inefficient in operation, require large amounts of power to operate, and have a limited data handling capability." See Col. 1, lines 64-67. This statement is further supported by the Declaration of Binh T. Lu. Lu states:

> Passive RFIDs do not include a power supply as do active RFIDs. The lack of a power supply limits the range at which data can be read from a passive RFID. It is more difficult to read the information from a passive RFID. In addition, passive RFIDs are generally able to store less data then active RFIDs. Only limited information can be stored on a passive RFID as compared to an active RFID.

Declaration of Binh T. Lu at ¶10. Thus, Tuttle teaches away from the use of passive RFIDs in a postage stamp or mailing label application. Given this teaching, if the references were combined the resulting device would include a tamper resistant layer that covers an *active* tracking device, as Tuttle clearly indicates that passive systems are not effective in postage stamp and mailing label applications.

In light of the foregoing, Tuttle and Conwell, alone or in combination, do not teach or suggest the combination of Claim 1. As such Claim 1 is allowable. In addition, Claims 3-7, which depend from Claim 1, are allowable for these and other reasons.

The Examiner rejected Claim 2 under 35 U.S.C. 103(a) as being unpatentable over Tuttle in view of Conwell and further in view of Leon (U.S. Patent No. 6,701,304). Claim 2 has been cancelled rendering this rejection moot.

The Examiner rejected Claims 8, 10, and 12-17 under 35 U.S.C. 103(a) as being unpatentable over Tuttle in view of Levasseur (U.S. Patent No. 4,008,792) and further in view of Fite (U.S. Patent No. 6,467,684).

Claims 8-10 have been cancelled, thus rendering the rejections moot. Claims 12-17 have been amended to depend from Claim 11 and will be addressed with regard to Claim 11.

The Examiner rejected Claims 12-17 under 35 U.S.C. 103(a) as being unpatentable over Tuttle in view of Levasseur and further in view of Fite. Claim 11 was rejected under 35 U.S.C. 103(a) as being unpatentable over Tuttle in view of Levasseur and further in view of Fite and Conwell.

Claim 11 defines a postage stamp dispensing system comprising a plurality of postage stamps. Each stamp includes a tracking device that includes stamp ID information. A stamp dispenser is adapted to contain and dispense the stamps. A reader is operatively associated with the stamp dispenser to read the stamp ID information when the relative position between the stamp and the reader changes. A database is operable to store the read stamp ID information. Each tracking device includes a radio frequency identification (RFID) device, and the RFID device is passive.

As discussed with regard to Claim 1, Tuttle and Conwell, alone or in combination, do not teach or suggest a postage stamp that includes a passive tracking device, much less a passive RFID. Furthermore, Tuttle and Conwell do not teach or suggest anything regarding a dispenser operable to dispense the stamps, a reader operable to read the RFID, or a database able to store the read data.

Levasseur discloses a control circuit for vending machines. The control circuit allows the vending machine to vend items of different cost and return proper change to the user. Thus, Levasseur discloses that it is possible to vend stamps using a vending machine.

Fite discloses a system for selling and dispensing pre-paid cards for purchasing products or services. The cards include magnetic strips that are read by card readers. However, Fite

discloses nothing regarding reading an RFID, much less reading an RFID on a stamp. As one of ordinary skill will realize, reading a passive RFID is substantially different than reading a magnetic strip on a credit card. Thus, Fite teaches only that it is possible to read a magnetic strip on a card. As such, Tuttle, Conwell, Levasseur, and Fite, alone or in combination, fail to teach all of the elements of Claim 11.

Furthermore, there is no suggestion in Tuttle, Conwell, Levasseur or Fite that would lead one of ordinary skill to combine these references. The four references are from substantially unrelated fields and have little in common. Nothing in any of the references suggests the desirability of combining the teachings with other references. The fact that four references from substantially unrelated fields are required to show several, but not all of the recited elements of Claim 11 indicates that substantial hindsight is required to arrive at the recited invention.

In addition, even if one of ordinary skill did combine the four references cited by the Examiner, one would not arrive at the recited invention. As discussed, Tuttle teaches away from the use of passive RFIDs. Thus, the combination would likely include an active RFID system attached to a postage stamp and vended using a machine as disclosed by Levasseur. However, the teachings of Fite would lead one of ordinary skill to include a magnetic strip such that the device of Fite could read the data. Thus, in combining the teachings of the references, one would arrive at a postage stamp that includes an active RFID system and a magnetic strip. Nothing in the references teaches or suggests the suitability of passive RFID systems in the postage stamp application, nor do the references teach or suggest the function of reading data from a passive RFID system when the relative movement between the stamp and the reader changes.

In light of the foregoing, Tuttle, Levasseur, Fite, and Conwell alone or in combination, do not teach or suggest the combination of Claim 11. As such Claim 11 is allowable. In addition,

Claims 12-18, which depend from Claim 11, are allowable for these and other reasons.

The Examiner rejected Claim 18 under 35 U.S.C. 103(a) as being unpatentable over Tuttle in view of Levasseur and further in view of Fite and Barcelou (U.S. Patent No. 6,048,271).

Claim 18 depends from Claim 11 and adds an imaging device operatively associated with the stamp dispenser to capture an image of the user of the stamp dispenser.

As discussed with regard to Claim 11, Tuttle, Levasseur, and Fite, alone or in combination, do not teach or suggest Claim 11, much less Claim 18.

Barcelou does not cure the deficiencies of Tuttle, Levasseur, and Fite. Barcelou discloses a game station that includes a cash-dispensing machine. The cash-dispensing machine includes a camera 31. Barcelou teaches nothing regarding the use of passive RFIDs. In addition, Barcelou does not teach or suggest attaching passive RFIDs to stamps, dispensing the stamps, or a reader operatively associated with the stamp dispenser to read the stamp ID information when the relative position between the stamp and the reader changes. Furthermore, there is no suggestion or motivation in any of the cited references that would lead one of ordinary skill to combine the teachings of Tuttle, Levasseur, Fite, and Barcelou. While Barcelou discloses the use of a video camera, there is no suggestion that this would be a desirable feature on a stamp-dispensing machine. The fact that a camera exists does not make it obvious to apply it to all dispensing machines.

The Examiner rejected Claims 19, 22 and 26-28 under 35 U.S.C. 103(a) as being unpatentable over Tuttle, in view of Levasseur and further in view of Fite.

Claim 19 defines a method of tracking a postage stamp. The method includes coupling tracking information to the stamp, the tracking information including a stamp ID. The method also includes dispensing the stamp to a customer, reading the tracking information as the stamp

is dispensed, and storing the stamp ID in a database. The tracking information is stored within a passive RFID device.

As discussed with regard to Claim 1, Tuttle does not teach or suggest the use of passive RFIDs in a postage stamp application. In fact, Tuttle teaches that the use of passive RFIDs is undesirable when compared to active RFIDs. In addition, Tuttle teaches nothing regarding dispensing stamps, reading the tracking information from the stamp as it is dispensed, or storing the stamp ID in a database.

Levasseur does not cure the deficiencies of Tuttle. Levasseur discloses a vending machine suited to dispensing stamps. However, nothing in Levasseur teaches or suggests applying a passive RFID to the stamps to store a stamp ID, reading the stamp ID as the stamp is dispensed, or storing the stamp ID in a database.

Fite does not cure the deficiencies of Tuttle or Levasseur. Fite discloses a prepaid card system that includes a card reader suited to reading a magnetic strip on a card. However, nothing in Fite teaches or suggests applying a passive RFID to a stamp to store a stamp ID, reading the stamp ID as the stamp is dispensed, or storing the stamp ID in a database. The fact that Fite teaches a card reader suited to reading a magnetic strip on a card cannot be fairly interpreted as teaching or suggesting the reading of a passive RFID as a stamp is dispensed.

In light of the foregoing, Tuttle, Levasseur, and Fite alone or in combination, do not teach or suggest the combination of Claim 19. As such Claim 19 is allowable. In addition, Claims 20-28, which depend from Claim 19, are allowable for these and other reasons.

The Examiner rejected Claim 20 under 35 U.S.C. 103(a) as being unpatentable over the references cited against Claim 19 and further in view of Barcelou.

Claim 20 depends from Claim 19 and adds the step of capturing an image of the customer

and storing the captured image in the database. As discussed with regard to Claim 19, Tuttle, Levasseur, and Fite alone or in combination, do not teach or suggest the combination of Claim 19. Barcelou does not cure the deficiencies of Tuttle, Levasseur, and Fite. Barcelou teaches an automated game that includes an ATM or other cash-dispensing machine. A camera is associated with the ATM to monitor the users of the device. Thus, Barcelou fails to teach or suggest the use of a passive RFID attached to a stamp to store a stamp ID, the reading of the stamp ID as the stamp is dispensed, or the storage of the ID in a database.

In light of the foregoing, Tuttle, Levasseur, Fite, and Barcelou, alone or in combination, do not teach or suggest the combination of Claim 20. As such Claim 20 is allowable for these and other reasons.

The Examiner rejected Claim 21 under 35 U.S.C. 103(a) as being unpatentable over the references cited against Claim 19 and further in view of Conwell.

Claim 21 has been cancelled rendering this rejection moot.

The Examiner rejected Claims 23-25 under 35 U.S.C. 103(a) as being unpatentable over the references cited against Claim 19 and further in view of Porter (U.S. Patent No. 5,774,053).

Claim 23 depends from Claim 19 and adds the steps of reading the tracking information as the stamp is deposited into a postal mailbox and storing the stamp ID and a mailbox location within a database. As discussed with regard to Claim 19, Tuttle, Levasseur, and Fite alone or in combination, do not teach or suggest the combination of Claim 19. Porter does not cure the deficiencies of Tuttle, Levasseur, and Fite. Porter discloses a storage device that provides secure access to a space. A user can place goods for delivery in the secured space after unlocking a lock actuator. Unlocking the actuator can be performed using several different devices including radio signal controlled or contactless smart cards. Porter does not teach or suggest the use of a

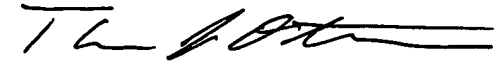
passive RFID attached to a stamp to store a stamp ID, the reading of the stamp ID as the stamp is dispensed, or the storage of the ID in a database. Furthermore, Porter does not teach or suggest reading the tracking information as the stamp is deposited into a postal mailbox, and storing the stamp ID and a mailbox location within a database as recited in Claim 23. Porter also fails to teach or suggest comparing the mailbox location and the dispensing location, and identifying the stamp if the mailbox location is more than a predefined distance from the dispensing location as recited in Claim 24. In addition, Porter does not teach or suggest sensing when an article is deposited in a mailbox, determining when tracking information was not properly read for all the articles placed in the mailbox, and providing a perceivable indication when it has been determined that tracking information was not properly read for all the articles placed in the mailbox as recited in Claim 25.

In light of the foregoing, Tuttle, Levasseur, Fite, and Porter, alone or in combination, do not teach or suggest the combination of Claims 23-25. As such Claims 23-25 are allowable for these and other reasons.

CONCLUSION

In light of the foregoing, Applicants respectfully request entry of the amendments and allowance of claims 1, 3-7, 11-20, and 22-28.

Respectfully submitted,



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